

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

| | | |
|---|---|---------------------------------|
| VONDA NOEL, On Behalf of HERSELF |) | |
| and All Others Similarly Situated, |) | |
| |) | CLASS AND COLLECTIVE |
| <i>Plaintiff,</i> |) | ACTION |
| |) | |
| v. |) | CASE NO. 3:11-cv-519 |
| |) | |
| METROPOLITAN GOVERNMENT OF |) | JUDGE SHARP |
| NASHVILLE AND DAVIDSON |) | MAGISTRATE JUDGE KNOWLES |
| COUNTY, TENNESSEE, |) | |
| |) | |
| <i>Defendant.</i> |) | |
| |) | |

**PLAINTIFF’S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF SETTLEMENT OF RULE 23 CLASS ACTION CLAIMS, PROVIDING FOR
NOTICE OF THE SETTLEMENT, AND TO SET FINAL APPROVAL HEARING**

Plaintiff Vonda Noel (“Plaintiff”) respectfully moves the Court for preliminary approval of the proposed settlement of the breach of contract and unjust enrichment claims she asserted on a class-wide basis in this litigation on behalf of a class of current and former correctional officers pursuant to Rule 23 on the terms set forth in the Rule 23 Class Action Settlement Agreement Release (the “Settlement”), attached to this Motion as Exhibit 1. Plaintiff also moves this Court to approve the notice process set forth in the Settlement and described in the contemporaneously filed supporting Memorandum. The proposed Notice Form and Claim Form to be used in this process are attached to this Motion as Exhibits 2 and 3, respectively. Additionally, Plaintiff moves this Court to set a date for a final approval hearing in this matter, which will be used to determine many of the settlement administration dates set forth in the Settlement.

Contemporaneously with the filing of this Motion, Plaintiff is filing an unopposed motion for approval of a FLSA Settlement Agreement and Release, which, if approved, will resolve the

collective claims Plaintiff has asserted pursuant to the Fair Labor Standards Act and supplemental state laws on behalf of all individuals who joined in those claims pursuant to 29 U.S.C. § 216(b). These settlement agreements cover separate claims that are based on separate and distinct allegations concerning different time worked, and the agreements were negotiated separately. Approval of both of these settlement agreements would resolve this entire class and collective action.

As discussed more fully in the accompanying Plaintiff's Memorandum in Support of this Motion, Plaintiff's Rule 23 breach of contract and unjust enrichment claims sought unpaid wages for correctional officers based on the allegation that Metro had not paid correctional officers at the hourly rates set forth in the Metro Pay Plan. These claims are distinct from Plaintiff's FLSA and state law collective claims, which sought unpaid wages for similarly situated correctional officers for time spent working after the end of their shifts, between when their pay ended and when "count cleared," as determined by Defendant's records.

For the reasons addressed in the accompanying Memorandum, Plaintiff requests that the Court enter the attached [Proposed] Order Preliminarily Approving Settlement and Providing for Notice, (a) granting preliminary approval of the Settlement; (b) approving the parties' proposed form and method for giving notice of the Settlement of this action to the Class; (c) directing that the notice be given to Class Members as approved by the Court; and (d) scheduling a final hearing at which the Court will consider Plaintiff's request for final approval of the Settlement and entry of a Final Order, including approval of payment of Class Counsel's fees, reimbursement of expenses, and service payments to the Named Plaintiff and certain other Class Members.

Pursuant to the parties' Settlement, Defendant does not oppose the relief requested in this Motion.

A proposed order providing this relief is attached to this Motion.

Dated: May 20, 2016

Respectfully submitted,

/s/ David W. Garrison

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing *Plaintiff's Unopposed Motion for Preliminary Approval of Settlement of Rule 23 Class Action Claims, Providing for Notice of the Settlement, and to Set Final Approval Hearing* has been served on the following via the Court's ECF filing system on May 20, 2016:

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/s/ David W. Garrison

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